

REMARKS/ARGUMENTS

Applicants' representative would like to thank Examiner Vanoy for the courteous and helpful discussion of the issues remaining in the present application on August 9, 2006.

Applicants would like to thank Examiner Vanoy for the indication of allowable subject matter in the present application. The above amendments and following remarks summarize and further expand on the content of the discussion of August 9, 2006.

Claims 1-23 and 27-29 are active in this application, claims 24-26 having been cancelled. Claim 12 has been amended to rewrite the ratios of from "7/8 to 1.5" to read from "0.875:1 to 1.5:1". This amendment is supported by the claim as originally presented. The original presentation of the ratios used a shorthand notation for ratios, in which the ":1" portion is implied. Applicants have rewritten the ratios at the suggestion of the Examiner to include that notation and have simplified the fraction 7/8 to its decimal form of 0.875. Claim 14 has been amended to provide proper antecedent basis for the term "encapsulant" appearing in parts b) and c) of the claim, by inserting the phrase "to form an encapsulant" at line 2 of part a) of the claim. Applicants have also replaced the Abstract from original page 28 and the front page of the published PCT application with a new Abstract, supported by original page 28 of the application. Applicants have added a section entitled "Brief Description of the Figures" as requested by the Examiner. This amendment is supported by the specification at page 18, lines 10-27. No new matter has been added by these amendments.

The Examiner has rejected claims 12 and 14 under 35 U.S.C. 112, second paragraph. This rejection has been obviated by the above amendments. Claim 12 has been amended to rewrite the ratios of from "7/8 to 1.5" to read from "0.875:1 to 1.5:1". As noted in the discussion of August 9, 2006, the original presentation of the ratios used a shorthand notation for ratios, in which the ":1" portion is implied. Applicants have rewritten the ratios at the suggestion of the Examiner to include that notation and have simplified the fraction 7/8 to its

decimal form of 0.875. Claim 14 has been amended to provide proper antecedent basis for the term “encapsulant” appearing in parts b) and c) of the claim, by inserting the phrase “to form an encapsulant” at line 2 of part a) of the claim. Accordingly this rejection should be withdrawn.

The Examiner has objected to the Abstract on the basis that there were two abstracts present. A review of the PAIR image file shows that under the title “Abstract”, there are two pages, one being the abstract at page 28 of the application as filed, the other being the first page of the published PCT application from which the present application originated.

Applicants have amended the application to delete both of those abstracts and insert the new Abstract as drafted above. This Abstract is supported by the original abstract filed as page 28 of the application.

The Examiner has also objected to the specification as not having a Brief Description of the Drawings section. Although it is Applicants belief that the disclosure at page 18, lines 10-27 fulfills this role adequately, Applicants have inserted a new section at page 5, to provide an even briefer description of the figures. As such, the objections to the specification are believed to be obviated and should be withdrawn.

The Examiner states that the Oath or Declaration is defective on the basis of certain “non-initialed and/or non-dated alterations” that appear to be present. However, as noted to the Examiner during the discussion of August 9, 2006, and acknowledged by the Examiner in the interview summary of that discussion having a mailing date of August 17, 2006, the line that appears through the residence address of inventor “Quentin Ragetly” in the oath was put there by someone inside the Patent Office, not by the inventor or applicants. Further, all of the inventor address information has been provided in an Application Data Sheet. As such, no new oath or declaration is required.

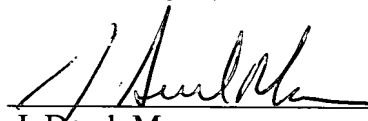
Application No. 10/535,190  
Reply to Office Action of June 27, 2006

Applicants are also filing herewith a translation of the International Preliminary Examination Report to be placed in the file. As there are no prior art references cited, no fee is believed necessary to file this IPER and place it in the file.

Applicants submit that the application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.  
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DOCUMENT2

Expéditeur : le BUREAU INTERNATIONAL

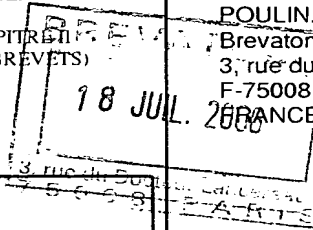
**PCT**

NOTIFICATION DE TRANSMISSION DE COPIES  
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SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II)  
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Destinataire :

POULIN, Gérard  
Brevatone  
3, rue du Docteur Lancereaux  
F-75008 PARIS  
FRANCE



Date d'expédition (jour/mois/année) 13 juillet 2006 (13.07.2006)	
Référence du dossier du déposant ou du mandataire B13965.3 <b>EE SG</b>	<b>NOTIFICATION IMPORTANTE</b>
Demande internationale n° PCT/FR2004/050394	Date du dépôt international (jour/mois/année) 25 août 2004 (25.08.2004)
Déposant COMMISSARIAT A L'ENERGIE ATOMIQUE etc	

1. Transmission de la traduction au déposant.



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).



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Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse  n° de télécopieur +41 22 338 82 70	Fonctionnaire autorisé  Athina Nickitas-Etienne  n° de télécopieur +41 22 338 82 70
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# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

## PCT

### RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire B13965.3 EE	<b>POUR SUITE À DONNER</b>	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2004/050394	Date du dépôt international ( <i>jour/mois/année</i> ) 25 August 2004 (25.08.2004)	Date de priorité ( <i>jour/mois/année</i> ) 29 August 2003 (29.08.2003)
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant COMMISSARIAT A L'ENERGIE ATOMIQUE		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 5 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- |                                     |               |   |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I    | Base de l'opinion   |
| <input checked="" type="checkbox"/> | Cadre n° II   | Priorité  |
| <input type="checkbox"/>            | Cadre n° III  | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle  |
| <input type="checkbox"/>            | Cadre n° IV   | Absence d'unité de l'invention  |
| <input checked="" type="checkbox"/> | Cadre n° V    | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/>            | Cadre n° VI   | Certains documents cités  |
| <input type="checkbox"/>            | Cadre n° VII  | Certaines irrégularités relevées dans la demande internationale   |
| <input type="checkbox"/>            | Cadre n° VIII | Certaines observations relatives à la demande internationale  |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland  no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport 03 July 2006 (03.07.2006)  Fonctionnaire autorisé  <p style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</p> e-mail: pt04@wipo.int
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

**Translation**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**B13965.3 EE**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/FR2004/050394**

International filing date (day/month/year)

**25.08.2004**

Priority date (day/month/year)

**29.08.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**COMMISSARIAT A L'ENERGIE ATOMIQUE**

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input checked="" type="checkbox"/> | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050394

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050394

Box No. II

Priority

1. ☒ The following document has not yet been furnished:
- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
  - ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050394

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations:

Since none of the search report documents cites or discloses a compound such as that disclosed in the present claim 1, said claim 1 and the claims that depend on it are considered to be novel and inventive.

The same analysis applies to independent claim 6 and to the claims that depend on it.